THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.25251 OF 2006

Date: 15-12-2006

Between:
Pothala Simachalam,
W/o Venkateswara Rao,
Hindu, aged 41 years,
D.No.1-730/23,
Mangalagiri, Guntur District.

... Petitioner.

And

1. The Vijayawada, Guntur, Tenali,
   Mangalagiri, Urban Development Authority,
   Vijayawada, rep. by its Vice Chairman
   and another.

... Respondents.

* * *

ORDER:

This Court ordered notice before admission on 04.12.2006. Learned Standing Counsel had taken notice on behalf of R-1. Learned Government Pleader for Revenue had taken notice on behalf of R-2. *Status quo* obtaining as on 04.12.2006 was directed to be maintained for a period of two weeks. The matter is coming up for admission today.

2. The writ petition is filed for a writ of Mandamus declaring high handed action of the first respondent in trying to demolish the house property belonging to the petitioner in plot No.3 in survey

No.282/B with D.No.1-730/23, Mangalagiri Town, Guntur District, without issuing any notice and without following due process of law, as arbitrary, illegal and against the principles of natural justice and violative of Articles 19 and 300-A of the Constitution of India and pass such other suitable orders.

3. Several factual details are narrated in paragraphs 3 to 12 of the affidavit filed in support of the writ petition. On instructions Smt. K.Aruna, learned Standing Counsel for R-1 submitted to this Court that the petitioner, in fact, had encroached into survey No.102 of Navulur village to an extent of 62.19 square yards and in view of the same, inasmuch as it is an encroachment, the authorities of the first respondent instructed the petitioner only to remove such encroachments made in VUDA land.

4. Be that as it may, inasmuch as specific stand is taken by the petitioner that no notice had been issued and the procedure as per law had not been followed, this Court is of the considered opinion that the writ petition be disposed of directing the respondents not to demolish the subject matter of the writ petition, unless and until the respondents follow due process of law.

5. With the above direction, the writ petition is disposed of. No order as to costs.

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P.S.NARAYANA, J.

Date: 15th December 2006.

BSB